

AMENDED IN ASSEMBLY MAY 14, 2012
AMENDED IN SENATE JANUARY 17, 2012
AMENDED IN SENATE MAY 31, 2011
AMENDED IN SENATE APRIL 4, 2011
AMENDED IN SENATE MARCH 23, 2011
AMENDED IN SENATE MARCH 10, 2011

SENATE BILL

No. 114

Introduced by Senator Yee

January 19, 2011

An act to ~~add Section 87483.7 to~~ amend Section 22138.5 of the Education Code, relating to ~~community colleges~~ teachers' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 114, as amended, Yee. ~~Community colleges: academic salary schedules. Teachers: retirement.~~

The State Teachers' Retirement Law, which is administered by the Teachers' Retirement Board, prescribes a comprehensive system of rights and benefits for its members, including disability benefits, retirement benefits, and death benefits. That law specifies the days or hours of creditable service that equal "full time" for the purpose of calculating benefits under the Defined Benefit Program, with a minimum standard applied, as specified. Under that law, each collective bargaining agreement or employment agreement, which applies to a member subject to the minimum standard for community college based on 525 instructional hours per school year for all instructors employed on a part-time basis, is required to specify the number of hours of

creditable service that equal full time and to specifically reference that section.

This bill would expand that provision to apply to collective bargaining agreements or employment agreements for community college instructors employed in adult education programs who have a minimum of 875 instructional hours per school year. The bill would also require a copy of the collective bargaining agreements or employment agreements for those members to be submitted to the State Teachers' Retirement System and would require those agreements to specify the number of hours of creditable service that equal "full time" for each class of employee.

~~Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by district governing boards, throughout the state, and authorizes community college districts to employ faculty members to provide instruction to students at the community college campuses maintained by the community college districts. Existing law also authorizes the governing board of a community college district to employ both full-time and part-time employees and establish regulations allowing academic employees to reduce their workload from full-time to part-time duties, as specified.~~

~~This bill would authorize a community college district to calculate the salary of a part-time faculty member and report it, as specified. The bill would also prohibit its provisions from affecting the implementation of specified collective bargaining agreements, and would authorize its provisions to be subjects of negotiation for new or successor collective bargaining agreements.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22138.5 of the Education Code is amended
2 to read:

3 22138.5. (a) "Full time" means the days or hours of creditable
4 service the employer requires to be performed by a class of
5 employees in a school year in order to earn the compensation
6 earnable as defined in Section 22115 and specified under the terms

1 of a collective bargaining agreement or employment agreement.
2 For the purpose of crediting service under this part, “full time”
3 may not be less than the minimum standard specified in this
4 section. Each collective bargaining agreement or employment
5 agreement that applies to a member subject to the minimum
6 standard specified in *either* paragraph (5) *or* (6) of subdivision (c)
7 shall specify the number of hours of creditable service that equal
8 “full time” pursuant to this section, ~~and for each class of employee~~
9 *subject to either paragraph*, shall make specific reference to this
10 section, *and shall submit a copy of the agreement to the system.*

11 (b) The minimum standard for full time in prekindergarten
12 through grade 12 is as follows:

13 (1) One hundred seventy-five days per year or 1,050 hours per
14 year, except as provided in paragraphs (2) and (3).

15 (2) (A) One hundred ninety days per year or 1,520 hours per
16 year for all principals and program managers, including advisers,
17 coordinators, consultants, and developers or planners of curricula,
18 instructional materials, or programs, and for administrators, except
19 as provided in subparagraph (B).

20 (B) Two hundred fifteen days per year or 1,720 hours per year
21 including school and legal holidays pursuant to the policy adopted
22 by the employer’s governing board for administrators at a county
23 office of education.

24 (3) One thousand fifty hours per year for teachers in adult
25 education programs.

26 (c) The minimum standard for full time in community colleges
27 is as follows:

28 (1) One hundred seventy-five days per year or 1,050 hours per
29 year, except as provided in paragraphs (2), (3), (4), (5), and (6).
30 Full time includes time for duties the employer requires to be
31 performed as part of the full-time assignment for a particular class
32 of employees.

33 (2) One hundred ninety days per year or 1,520 hours per year
34 for all program managers and for administrators, except as provided
35 in paragraph (3).

36 (3) Two hundred fifteen days per year or 1,720 hours per year
37 including school and legal holidays pursuant to the policy adopted
38 by the employer’s governing board for administrators at a district
39 office.

1 (4) One hundred seventy-five days per year or 1,050 hours per
2 year for all counselors and librarians.

3 (5) Five hundred twenty-five instructional hours per school year
4 for all instructors employed on a part-time basis, except instructors
5 specified in paragraph (6). If an instructor receives compensation
6 for office hours pursuant to Article 10 (commencing with Section
7 87880) of Chapter 3 of Part 51, the minimum standard shall be
8 increased appropriately by the number of office hours required
9 annually for the class of employees.

10 (6) Eight hundred seventy-five instructional hours per school
11 year for all instructors employed in adult education programs. If
12 an instructor receives compensation for office hours pursuant to
13 Article 10 (commencing with Section 87880) of Chapter 3 of Part
14 51, the minimum standard shall be increased appropriately by the
15 number of office hours required annually for the class of
16 employees.

17 (d) The board has final authority to determine full time for
18 purposes of crediting service under this part if full time is not
19 otherwise specified in this section.

20 ~~SECTION 1. Section 87483.7 is added to the Education Code;~~
21 ~~to read:~~

22 ~~87483.7. (a) A community college district may calculate the~~
23 ~~salary of a part-time faculty member, and report that salary on~~
24 ~~payroll notices and to the State Teachers' Retirement System, as~~
25 ~~a percentage of salary for a full-time teaching load.~~

26 ~~(b) (1) This section shall not preclude the implementation of~~
27 ~~any agreement entered into pursuant to Chapter 10.7 (commencing~~
28 ~~with Section 3540) of Division 4 of Title 1 of the Government~~
29 ~~Code that is in effect before January 1, 2012. To the extent that~~
30 ~~such an agreement conflicts with this section, the agreement shall~~
31 ~~prevail.~~

32 ~~(2) The provisions of this section may be subjects of negotiation~~
33 ~~with respect to the collective bargaining process relating to any~~
34 ~~new or successor agreement entered into between a community~~
35 ~~college district and part-time faculty occurring on or after January~~
36 ~~1, 2012.~~